

## **EXHIBIT B**

AMENDED CUSTOMER CLAIM

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

(Please print or type)

Name of Customer: Lewis R. Franck  
Mailing Address: 340 East 74th Street, #4F  
City: New York State: NY Zip: 10021  
Account No.: ZA440  
Taxpayer I.D. Number (Social Security No.): \_\_\_\_\_

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

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1. Claim for money balances as of **December 11, 2008**:

- a. The Broker owes me a Credit (Cr.) Balance of \$ 0
- b. I owe the Broker a Debit (Dr.) Balance of \$ 0
- c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, it must be enclosed  
with this claim form. \$ \_\_\_\_\_
- d. If balance is zero, insert "None." None

2. Claim for securities as of **December 11, 2008**:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	<u>YES</u>	<u>NO</u>
a. The Broker owes me securities	<u>X</u>	<u>          </u>
b. I owe the Broker securities	<u>          </u>	<u>X</u>
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	The Broker Owes Me (Long)	I Owe the Broker (Short)
See Nov. 30, 2008 ZA440 statements, attached hereto as Exhibit A.			
\$1,152,750.21	(market value of securities long, per ZA440-3 statement)		
39,600.00	(market value of securities short, per ZA440-4 statement)		
(55,920.00)	(market value of securities short, per ZA440-4 statement)		
<b>TOTAL:</b> \$1,136,430.21			

**Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor. See Exhibits A and B, and documents submitted herewith.**

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

- |   | <u>YES</u> | <u>NO</u>  |
|---|------------|------------|
| 3. Has there been any change in your account since December 11, 2008? If so, please explain.  | _____      | X<br>_____ |
| 4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?   | _____      | X<br>_____ |
| 5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker? | _____      | X<br>_____ |
| 6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)    | _____      | X<br>_____ |
| 7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.                         | _____      | X<br>_____ |
| 8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.                   | _____      | X<br>_____ |
| 9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.  | _____      | X<br>_____ |

Please list the full name and address of anyone assisting you in the preparation of this claim form: Christopher Van De Kieft, Esq., Seeger Weiss LLP, One William Street, New York, NY 10004

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 7/2/2009 Signature   
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly,  
together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

# ***EXHIBIT A***

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Massachusetts, London W1J 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York, NY London

LEWIS R FRANK

340 EAST 74TH STREET #4F  
NEW YORK NY 10021

PERIOD ENDING  
**11/30/08**

PAGE  
**1**

YOUR ACCOUNT NUMBER  
**1-7A440-3-0**

YOUR TAX PAYER IDENTIFICATION NUMBER  
**\*\*\*\*\*2658**

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDIT TO YOUR ACCOUNT
11/12	1,008		996	BALANCE FORWARD		69,245.44	
11/12	720		1498	WELLS FARGO & CO NEW	29.800	30,078.40	
11/12	624		5322	HEWLETT PACKARD CO	34.900	25,156.00	
11/12	408		5824	WAL-MART STORES INC	55.830	34,861.92	
11/12	1,512		9648	INTERNATIONAL BUSINESS MACHS	87.270	35,622.16	
11/12	1,656		10150	EXXON MOBIL CORP	72.880	110,254.56	
11/12	792		14476	INTEL CORP	14.510	24,094.56	
11/12	1,080		18801	JOHNSON & JOHNSON	59.580	47,218.36	
11/12	576		23127	J.P. MORGAN CHASE & CO	38.530	41,653.40	
11/12	336		27453	COCA COLA CO	44.660	25,747.16	
11/12	624		31779	MCDONALDS CORP	55.370	18,617.32	
11/12	2,280		36105	MERCK & CO	28.550	17,839.20	
11/12	1,152		40431	MICROSOFT CORP	21.810	49,817.80	
11/12	456		53409	ORACLE CORPORATION	17.300	19,975.60	
11/12	264		53911	PEPSICO INC	56.410	25,740.96	
11/12	1,944		57735	APPLE INC	100.780	26,615.92	
11/12	456		58237	PFIZER INC	16.940	33,008.36	
11/12	864		62061	ABBOTT LABORATORIES	54.610	24,920.16	
11/12	312		62563	PROCTER & GAMBLE CO	64.080	55,399.12	
11/12	600		66387	AMGEN INC	59.160	18,469.92	
11/12	1,440		66889	PHILLIP MORRIS INTERNATIONAL	43.600	26,184.00	
11/12	480		70713	BANK OF AMERICA	21.590	31,146.60	
11/12	1,560		71215	QUALCOMM INC	33.770	16,228.60	
11/12				CITI GROUP INC	12.510	19,577.60	
				CONTINUED ON PAGE 2			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

Nov. 19, 1900. Monday.

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PERIOD ENGINE  
11/30/08

8592 \*\*\*\*\*  
MARRIOTT FORT MYERS FL 33904

1-2A440-3-0  
HARRIS ENGINEERING

LEWIS R FRANK

340 EAST 74TH STREET #4F  
NEW YORK NY 10021

[illegible]

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PERIOD ENDING 11/30/03  
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YOUR ACCOUNT NUMBER 1-ZA440-3-0  
YOUR TAX PAYER IDENTIFICATION NUMBER \*\*\*\*\*2658

DATE	BOUGHT RECEIVED ON LONG	SOLD DELIVERED ON SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/19		23,410	53589	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		23,410.00
11/19	75,000		58075	U S TREASURY BILL DUE 03/26/2009	99.926	74,944.50	
11/19	20,373		62625	FIDELITY SPARTAN U S TREASURY MONEY MARKET NEW BALANCE	1	20,373.00	
	1,704 456 312 264 1,440 600 1,752 1,560 576 864 432 1,512 3,048			SECURITY POSITIONS AT&T INC ABBOTT LABORATORIES AMGEN INC APPLE INC BANK OF AMERICA CHEVRON CORP CISCO SYSTEMS INC CITI GROUP INC COCA COLA CO COMCAST CORP CL A CONOCOPHILIPS EXXON MOBIL CORP GENERAL ELECTRIC CO	MKT PRICE 28.560 52.390 55.540 92.670 16.250 79.010 16.540 8.290 46.870 17.340 52.520 80.150 17.170	136,301.64	
				CONTINUED ON PAGE 4			

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DATE	BOUGHT RECEIVED LONG	SOLO DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	72			GOOGLE	292.950		
	720			HEWLETT PACKARD CO	35.280		
	1,656			INTEL CORP	13.800		
	408			INTERNATIONAL BUSINESS MACHS	81.600		
	1,080			J.P. MORGAN CHASE & CO	31.660		
	792			JOHNSON & JOHNSON	58.580		
	336			MCDONALDS CORP	58.750		
	624			MERCK & CO	26.720		
	2,280			MICROSOFT CORP	20.220		
	1,152			ORACLE CORPORATION	16.090		
	456			PEPSICO INC	56.700		
	1,944			PFIZER INC	16.430		
	600			PHILLIP MORRIS INTERNATIONAL	42.160		
	854			PROCTER & GAMBLE CO	64.350		
	480			QUALCOMM INC	33.570		
	360			SCHLUMBERGER LTD	50.740		
	20,373			FIDELITY SPARTAN	1		
	504			U S TREASURY MONEY MARKET			
	288			U S BANCORP	26.980		
	75,000			UNITED PARCEL SVC INC	57.600		
				CLASS B	99.971		
				U S TREASURY BILL			
				DUE 03/26/2009			
				3/26/2009			
				UNITED TECHNOLOGIES CORP	48.530		
	288			CONTINUED ON PAGE 5			

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New York ☐ London

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	816 624 1,008			VERIZON COMMUNICATIONS WAL-MART STORES INC WELLS FARGO & CO NEW  MARKET VALUE OF SECURITIES LONG 1,152,750.21 14,310 1,136,440	32.650 55.880 28.890		

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DATE	BOUGHT RECEIVED OR LONG	SOLO DELIVERED OR SHORT	TRIN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	816 624 1,008			VERIZON COMMUNICATIONS WAL-MART STORES INC WELLS FARGO & CO NEW MARKET VALUE OF SECURITIES LONG 1,152,750.21 14,310 11,364,800	32.650 55.880 28.890		

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New York NY London

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YOUR TAX PAYER IDENTIFICATION NUMBER <b>*****2658</b>	

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
				YEAR-TO-DATE SUMMARY DIVIDENDS GROSS PROCEEDS FROM SALES			7,929.01 8,818,292.88

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PERIOD ENDING <b>11/30/03</b>	PAGE <b>1</b>
YOUR ACCOUNT NUMBER <b>1-ZA440-4-0</b>	
YOUR TAX PAYER IDENTIFICATION NUMBER <b>*****2658</b>	

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12				BALANCE FORWARD			69,246.00
11/12	24		44757	S & P 100 INDEX NOVEMBER 460 CALL	15.800		37,896.00
11/12	24		49083	S & P 100 INDEX NOVEMBER 450 PUT	17.800	42,744.00	
11/19			35187	S & P 100 INDEX DECEMBER 430 CALL	26		62,376.00
11/19	24		39512	S & P 100 INDEX DECEMBER 420 PUT	30	72,024.00	
11/19	24		43837	S & P 100 INDEX NOVEMBER 460 CALL	3	7,224.00	
11/19			48162	S & P 100 INDEX NOVEMBER 450 PUT	37		88,776.00
				NEW BALANCE			136,302.00
				SECURITY POSITIONS			
				S & P 100 INDEX	MKT PRICE		
				DECEMBER 430 CALL	23.300		
				S & P 100 INDEX	16.500		
				DECEMBER 420 PUT			
				MARKET VALUE OF SECURITIES			
				LONG			
				39,600.00			
				SHORT			
				55,920.00-			
				38,600.00			
				<u>16,320.00</u>			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

# ***EXHIBIT B***

Lewis R. Franck  
Account No. ZA440

**EXHIBIT B**

1. This Claim Form, exhibits, and supporting documentation (collectively "Claim Form") is submitted pursuant to the December 23, 2008 Order of the Honorable Burton R. Lifland and the instructions disseminated by Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC ("Trustee"), on December 11, 2008.
2. The information provided in the Claim Form is based on information provided in the Claimant's latest Madoff account statement and any additional information known by the Claimant as of the date of the submission of the Claim Form. The Claimant reserves the right to amend and/or supplement this Claim Form upon the receipt of further information, or upon request by the Trustee for additional information.
3. The Claimant reserves the right to amend the Claim Form in the event of any recoveries by the Trustee or any other party under the avoidance powers of the Bankruptcy Code or otherwise, or in the event of rejections of executory contracts pursuant to Bankruptcy Code Section 365, whether such amendments are made pursuant to Bankruptcy Code Sections 105, 502(g), or 502(h), Bankruptcy Rule 3002(c)(3), (4), other provisions of applicable bankruptcy law, or general principles of law or equity.
4. The Claimant hereby requests that the Claim Form additionally be considered as a proof of claim, as a general creditor or otherwise, in *In re Bernard L. Madoff Investment Securities LLC*, No. 08-01789 (Bankr. S.D.N.Y.).
5. This Claim Form is required to be submitted pursuant to the Court's January 2, 2009 Order and the Trustee's instructions to the Claimant. To the extent permitted by applicable law, the Claimant does not, by submitting the Claim Form, consent to the jurisdiction of the Bankruptcy Court nor does Claimant waive any right to trial by jury.
6. The Claimant reserves all rights, claims, and/or defenses as to and/or against any and all parties potentially liable for the losses sustained by the Claimant, including, without limitation, Bernard L. Madoff Investment Securities LLC and its owners, partners, employees, and affiliates, as well as any potentially liable third parties including, without limitation, investment advisors, "feeder funds," accountants, and auditors.
7. The Claimant further reserves all rights, claims, and/or defenses as to and/or against any persons and/or creditors asserting claims against Bernard L. Madoff Investment Securities LLC, its employees, owners, and/or affiliates, in bankruptcy or otherwise.



Lewis R. Franck  
Account No. ZA440

8. The Claimant reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever, notwithstanding the submission of any such information to the Trustee.
9. To the extent the Claimant has disclosed to the Trustee documents containing accounting and/or legal advice, the Claimant does not waive any potential privileges applicable thereto.
10. The Claimant reserves all rights with respect to submitting information to the Internal Revenue Service regarding gains, losses, and/or theft of assets.
11. The Claim Form and supporting documents contain confidential information. The Claimant submits this information to the Trustee subject to the condition that this information will not to be disclosed to any third parties, other than under seal to the Court, absent the Claimant's express consent or Court order.
12. To the extent the BMIS account for which this Claim Form is submitted contains or purports to contain funds from a "predecessor" or other BMIS account, the Claimant reserves all rights, claims, and defenses as to any such predecessor or other BMIS account. To the extent necessary or appropriate, this Claim Form is likewise submitted as a claim for and on behalf of any such predecessor or other BMIS account.
13. The Claimant submits herewith documents in support of the Claimant's claim, including documents containing information regarding account transactions, such as contributions and/or withdrawals. The Claimant reserves any arguments that such documents are not relevant to the Trustee's inquiry. The Claimant further reserves the right to supplement this submission, including the submission of additional documents, if deemed necessary.